

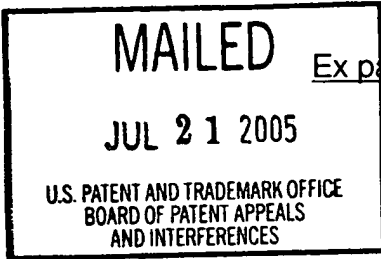
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEFFREY MORGAN ALDEN and DANIEL J. REAUME

Application No. 09/740,585

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was electronically received at the Board of Patent Appeals and Interferences on July 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On January 26, 2005, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that there is insufficient evidence that an appeals conference was conducted by the examiner. The Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 2, 2004) states:

On the examiner's answer, below the primary examiner's signature, the word "Conferee should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

...

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Additionally, the Manual of Patent Examining Procedure (MPEP) § 707.08 (8th ed.,

Rev. 2, May 2004) states in part:

After the action is typed, the examiner who prepared the action reviews it for correctness. The surname or initials of the examiner who prepared the action and the date on which the action was typed should appear below the action. If this examiner does not have the authority to sign the action, he or she should initial above the typed name or initials, and forward the action to the authorized signatory examiner for signing

This examiner's answer does not conform to the MPEP guidelines noted above.

The answer list two Supervisory Patent Examiners (SPEs) as conferees but only one has signed/initialed besides his typed name. Additionally, the examiner who prepared the answer (JDC ?) has not initialed above his/her typed initials

Accordingly, it is

ORDERED that the application is being returned to the Examiner:

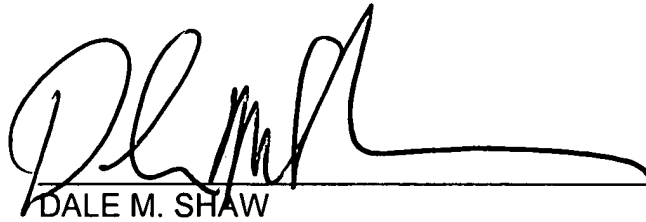
- (a) for the examiner to submit a proper examiner's answer complying with the conferee requirements noted above,
- (b) for the Examiner to mail a copy of the corrected answer to appellants, and

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(c) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By:

A handwritten signature in black ink, appearing to read 'D. M. Shaw', written over a horizontal line.

DALE M. SHAW

Program and Resource Administrator
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DMS/vsh